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MICHAEL C. SCROGGIE ET AL.

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EXAMINER: GRAVINI

TITLE: System and Method for Providing Shopping Aids and Incentives to Customers Through a Computer Network

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

37 CFR 1.193(b)(2)(ii) SUPPLEMENTAL APPEAL BRIEF AND REQUEST FOR
REINSTATEMENT OF THE APPEAL

Sir:

In response to the non-final office action mailed May 4, 2004 re-opening prosecution, the applicants reinstated the appeal and file this supplemental appeal brief, pursuant to 37 CFR 1.192(b)(2)(ii).

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I. 37 CFR 1.192(a)

This brief is filed in triplicate, is accompanied by the fee set forth in 37 CFR 1.17(c), and sets forth the authorities and arguments on which the appellant will rely to maintain the appeal.

II. 37 CFR 1.192(b)

The filing is timely. Accordingly, this subsection is not relevant.

III. 37 CFR 1.192(c)

A. 37 CFR 1.192(c)(1) Real Party in Interest

The real party in interest is Catalina Marketing International, Inc., a Delaware corporation, which is wholly owned by Catalina Marketing Corporation, a Delaware corporation.

B. 37 CFR 1.192(c)(2) Related Appeals and Interferences

Appeals are pending in the following related applications:

1. US Application No.: 09/478,351, filed October 8, 2002 (Neifeld Ref.: CAT/29-SCROCO2CP). The applicants filed a second supplemental appeal brief and second request for reinstatement of the appeal on May 20, 2004. The applicants filed a response to election of species requirement, a request for reinstatement of appeal, and a supplemental appeal brief on December 22, 2003.

2. US Application No.: 09/567,274, filed May 9, 2000 (Neifeld Ref.: CAT/29-SCROCO3). The applicants filed an appeal brief January 28, 2003. The applicants filed a reply brief on October 16, 2003. The Board of Patent Appeals and Interferences assigned Appeal No. 2004-1420 on May 17, 2004.

3. US Application No.: 09/716,404, filed November 21, 2000 (Neifeld Ref.: CAT/29-SCROCO4). The applicants filed an appeal brief January 29, 2003; in the absence of a response by the USPTO, the appeal brief was refiled on October 1, 2003.

4. US Application No.: 09/401,939 filed September 23, 1999 (Neifeld Ref.: CAT/29US-SCROCO). The applicants filed an appeal brief on March 14, 2003. The applicants filed a reply brief on September 17, 2003. The Board of Patent Appeals and Interferences assigned Appeal No. 2004-0989 on February 15, 2004.

5. US Application No.: 09/401,198, filed September 23, 1999 (Neifeld Ref.: CAT/29US-SCROD1). The applicants filed an appeal brief on October 9, 2001. The applicants filed a reply brief July 1, 2002. The Board of Patent Appeals and Interferences assigned Appeal No. 2004-0738 on February 19, 2004.

6. US Application No.: 09/410,086, filed October 1, 1999 (Neifeld Ref.: CAT/29US-SCROD2). The applicants filed an appeal brief on July 24, 2002. The applicants filed a substitute appeal brief March 6, 2003. The Examiner mailed an examiner's answer on December 23, 2003.

7. US Application No.: 90/005,888, filed December 12, 2000 (Neifeld Ref.: SCROREEX634). This reexamination is under appeal.

C. 37 CFR 1.192(c)(3) Status of Claims

Claims 32-91 are pending, rejected, and under appeal.

D. 37 CFR 1.192(c)(4) Status of Amendments

All amendments are entered.

E. 37 CFR 1.192(c)(5) Summary of the Invention

The invention of claim 32 is a system for delivering incentives over the Internet comprising: a Web site for providing purchasing incentives from multiple sources (page 3 lines 12-16, page 18 lines 27-29); a consumer purchase history database based on consumer online shopping activity (page 23 lines 6-16, page 22 lines 10-17, and page 20 line 25 through page 21 line 1); a consumer database which can identify consumers by their e-mail addresses (page 15 lines 4-10, page 20 lines 26-27, and page 20 line 29 through page 21 line 3), wherein said consumer database is connected to said Web site so as to receive consumer data from said Web site (page 20 lines 29 through page 21 line 1); and means for delivering purchasing incentives to consumers by e-mail (page 20 lines 17-19).

The invention of claim 33 is the system of claim 32 wherein said means for delivering purchase incentives delivers purchasing incentives based on consumer profile (page 19 lines 25-26).

The invention of claim 34 is the system of claim 32 wherein the consumer purchase history database and said consumer database are integrated (page 20 lines 28-29).

The invention of claim 35 is the system of claim 32 wherein said Web site is an independently administered Web site (page 5 lines 28 through page 6 line 2).

The invention of claim 36 is the system of claim 32 wherein said Web site is a cooperative site (page 5 lines 28 through page 6 line 2).

The invention of claim 37 is the system of claim 32 wherein said consumer purchase history database includes data based on past purchasing activity (page 21 lines 4-5).

The invention of claim 38 is the system for delivering incentives over the Internet comprising: a Web site for providing purchasing incentives from multiple sources (page 18 lines 21-29); a consumer purchase history database based on consumer online shopping activity (page 23 lines 6-16, page 22 lines 10-17, and page 20 line 25 through page 21 line 1); a consumer database which can identify consumers by their e-mail addresses (page 15 lines 4-10, page 20 lines 26-27, and page 20 line 29 through page 21 line 3), wherein said consumer database is connected to said Web site so as to receive consumer data from said Web site (page 20 lines 29 through page 21 line 1); and a means for delivering by e-mail notices which remind consumers to visit said Web site (page 20 lines 17-19 and page 21 lines 25-27).

The invention of claim 39 is the system of claim 38 wherein said means for delivering e-mail notices delivers notices based on consumer profile (page 19 lines 25-26).

The invention of claim 40 is the system of claim 38 wherein the consumer purchase history database and said consumer database are integrated (page 20 lines 28-29).

The invention of claim 41 is the system of claim 38 wherein said Web site is an independently administered Web site (page 5 lines 28 through page 6 line 2).

The invention of claim 42 is the system of claim 38 wherein said Web site is a cooperative Web site (page 5 lines 28 through page 6 line 2).

The invention of claim 43 is the system of claim 38 wherein said consumer purchase history includes data based on past purchasing activity (page 21 lines 4-5).

The invention of claim 44 is the system for delivering incentives over the Internet comprising: a Web site for providing purchasing incentives from multiple sources (page 18 lines 21-29); a consumer purchase history database based on consumer online shopping activity (page

23 lines 6-16, page 22 lines 10-17, and page 20 line 25 through page 21 line 1); a consumer database which can identify consumers by their e-mail addresses (page 15 lines 4-10, page 20 lines 26-27, and page 20 line 29 through page 21 line 3), wherein said consumer database is connected to said Web site so as to receive consumer data from said Web site (page 20 lines 29 through page 21 line 1); and means for delivering by e-mail notices to purchase a specific manufacturer's product (page 20 lines 17-19).

The invention of claim 45 is the system of claim 44 wherein said means for delivering e-mail notices delivers notices based on consumer profile (page 19 lines 25-26).

The invention of claim 46 is the system of claim 44 wherein the consumer purchase history database and the consumer database are integrated (page 20 lines 28-29).

The invention of claim 47 is the system of claim 44 wherein said Web site is and independently administered Web site (page 5 lines 28 through page 6 line 2).

The invention of claim 48 is the system of claim 44 wherein said Web site is a cooperative Web site (page 5 lines 28 through page 6 line 2).

The invention of claim 49 is the system of claim 44 wherein said consumer purchase history database includes data based on past purchasing activity (page 21 lines 4-5).

The invention of claim 50 is the method for delivering purchasing incentives over the Internet comprising the steps of: providing a Web site which offers shopping incentives from multiple sources (page 18 lines 21-29); a consumer purchase history database based on consumer online shopping activity (page 23 lines 6-16, page 22 lines 10-17, and page 20 line 25 through page 21 line 1); receiving a consumer's e-mail address from a consumer's computer (page 20 lines 29 through page 21 line 3); maintaining a consumer email database which can identify consumers by their e-mail address (page 15 lines 4-10, page 20 lines 26-27, and page 20 line 29 through page 21 line 3); and transmitting purchase incentives via an e-mail post office (page 21 lines 4-8).

The invention of claim 51 is the method of claim 50 wherein the step of transmitting purchase incentives to the consumer by electronic mail includes transmitting purchase incentives based on a consumer profile (page 21 lines 4-19).

The invention of claim 52 is the method of claim 50 wherein the step of providing a Web site is performed by an independent Web site administrator (page 5 lines 28 through page 6 line 2).

The invention of claim 53 is the method of claim 50 wherein the step of providing a Web site is achieved cooperatively (page 5 lines 28 through page 6 line 2).

The invention of claim 54 is the method for delivering incentives over the Internet comprising the steps of: a Web site for providing purchasing incentives from multiple sources (page 18 lines 21-29); a consumer purchase history database based on consumer online shopping activity (page 23 lines 6-16, page 22 lines 10-17, and page 20 line 25 through page 21 line 1); receiving a consumer's e-mail address from a consumer's computer (page 20 lines 29 through page 21 line 3); maintaining a consumer email database which can identify consumers by their e-mail address (page 15 lines 4-10, page 20 lines 26-27, and page 20 line 29 through page 21 line 3); and transmitting to consumers a notice to visit the Web site via the consumer's e-mail post office (page 21 lines 25-27).

The invention of claim 55 is the method of claim 54 wherein the step of providing a Web site is performed by an independent Web site administrator (page 5 lines 28 through page 6 line 2).

The invention of claim 56 is the method of claim 54 wherein the step of providing a Web site is achieved cooperatively (page 5 lines 28 through page 6 line 2).

The invention of claim 57 is a Web site for providing information and shopping incentives from multiple sources such as retailers and manufacturers comprising: a personal database (page 22 lines 11-12); a purchase history database wherein the data on the consumer purchases are based on online shopping activity (page 23 lines 6-16, page 22 lines 10-17, and page 20 line 25 through page 21 line 1); means for generating a web page with a consumer-specific display (page 22 lines 16-18); means for updating said web page (page 20 lines 12-14 and page 23 lines 12-14); and means for informing the consumer by e-mail of new incentives (page 20 lines 2-4).

The invention of claim 58 is the method for delivery of incentives by e-mail, comprising the steps of: maintaining a consumer database which identifies consumers by their e-mail addresses; generating targeted purchase incentives from a consumer purchase history database;

and formatting an e-mail message to a consumer by electronic mail for subsequent printing of a coupon; and delivering the email message to an email address stored in said consumer database for said consumer (page 21 lines 4-9).

The invention of claim 59 is the system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises shopping list selections data (page 14 lines 13-20).

The invention of claim 60 is the system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises rebate offers data (page 12 line 21).

The invention of claim 61 is the system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises notices detailing specific offers data (page 21 lines 27-29).

The invention of claim 62 is the system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises focused incentives based on a consumer's prior shopping activity data (page 19 lines 25-26).

The invention of claim 63 is the system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises purchasing incentives for data defining coupons for subsequent printing by a consumer (page 21 lines 8-10).

The invention of claim 64 is the system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises links to at least one of manufacturer and retailer web sites (page 15 lines 18-20).

The invention of claim 65 is the system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises data enabling a consumer to request at least one of information regarding a product and a sample of said product (page 12 line 22 and page 12 line 25).

The invention of claim 66 is the system of claim 32 wherein said consumer purchase history database stores data from any online shopping activity (page 23 lines 9-10).

The invention of claim 67 is the system of claim 32 wherein said consumer purchase history database stores an administrator of said system's web site data (page 20 lines 28-30).

The invention of claim 68 is the system of claim 32 wherein said consumer purchase history database stores retail store purchase data, including a consumer's favorite brands data (page 6 lines 17-23 and page 23 lines 8-9).

The invention of claim 69 is the system of claim 32 wherein said consumer purchase history database stores data including at least three of said customer identification number, name, residential address, zip code, and email address (page 14 line 27 through page 15 line 1 and page 19 lines 22-23).

The invention of claim 70 is the system of claim 32 wherein said consumer purchase history database stores selected consumer demographic information data, including at least two of number of persons in a household, age categories of persons in said household, and number of pets in said household (page 14 line 27 through page 15 line 1).

The invention of claim 71 is the system of claim 32 further comprising code for generating targeted, time phased incentives based on a consumer's actual buying patterns and preferences (page 21 lines 10-13).

The invention of claim 72 is the system of claim 32 further comprising code for generating untargeted incentives offered by manufacturers or retailers (page 21 lines 14-19).

The invention of claim 73 is the system of claim 32 wherein said purchase incentives contain data enabling coupons to be printed by said consumer (page 19 lines 8-12).

The invention of claim 74 is the system of claim 32 wherein said purchase incentives contain data enabling purchase incentives to be printed at point of sale (page 24 lines 21-24).

The invention of claim 75 is the system of claim 32 further comprising means to encode in a consumer's identification card, tokens representing said purchase incentives (page 24 lines 9-15).

The invention of claim 76 is the method of claim 50 wherein said online shopping activity data stored in said consumer purchase history database comprises shopping list selections associated with a particular consumer (page 14 lines 13-20).

The invention of claim 77 is the method of claim 50 wherein said online shopping activity data stored in said consumer purchase history database comprises rebate offers data associated with a particular consumer (page 12 line 21).

The invention of claim 78 is the method of claim 50 wherein said online shopping activity stored in said consumer purchase history database in association with an identification for a particular consumer comprises data detailing notice of specific offers provided to said particular consumer (page 21 lines 27-29).

The invention of claim 79 is the method of claim 50 further comprising generating focused incentives for a consumer based on said consumer's prior shopping activity (page 19 lines 25-26).

The invention of claim 80 is the method of claim 50 further comprising generating purchasing incentives data in a form suitable for printing of a coupon by a consumer (page 21 lines 8-10).

The invention of claim 81 is the method of claim 50 further comprising generating links to at least one of manufacturer and retailer web sites and associating said links with a particular consumer (page 15 lines 18-20).

The invention of claim 82 is the method of claim 50 further comprising enabling a consumer to request at least one of information regarding a product and a sample of a product (page 12 line 22 and page 12 line 25).

The invention of claim 83 is the method of claim 50 wherein said consumer purchase history database stores data from an administrator of said system's web site (page 20 lines 28-30).

The invention of claim 84 is the method of claim 50 wherein said consumer purchase history database stores retail store purchase data, including a consumer's favorite brands (page 6 lines 17-23 and page 23 lines 8-9).

The invention of claim 85 is the method of claim 50 wherein said consumer purchase history database stores at least three of said customer identification number, name, residential address, zip code, and email address (page 14 line 27 through page 15 line 1 and page 19 lines 22-23).

The invention of claim 86 is the method of claim 50 wherein said consumer purchase history database stores selected consumer demographic information, including at least two of number of persons in a household, age categories of persons in said household, and number of pets in said household (page 14 line 27 through page 15 line 1).

The invention of claim 87 is the method of claim 50 wherein said purchase incentives include targeted, time phased incentives based on a consumer's actual buying patterns and preferences (page 21 lines 10-13).

The invention of claim 88 is the method of claim 50 wherein said purchase incentives include untargeted incentives from at least one of manufacturers and retailers (page 21 lines 14-19).

The invention of claim 89 is the method of claim 50 further comprising printing said purchase incentives on a printer connected to and controlled by a consumer's computer (page 21 lines 8-9).

The invention of claim 90 is the method of claim 50 further comprising printing purchase incentives at point of sale (page 24 lines 21-24).

The invention of claim 91 is the method of claim 50 further comprising encoding in a consumer's identification card tokens representing said purchase incentives (page 24 lines 9-15).

F. 37 CFR 1.192(c)(6) Issues

Whether the rejections of claims 32-56 and 58-91 under 35 USC 102(e) based upon Jovicic et al. (US 5,855,007) [hereinafter Jovicic] are improper and should be reversed.

Whether the rejection of claim 57 under 35 USC 102(e) based upon Golden et al. (US 5,761,648) [hereinafter Golden] is improper and should be reversed.

G. 37 CFR 1.192(c)(7) Grouping of Claims

Group 1 consists of claims 32, 33, 44, 45, 50, 51, 73, 74, and 90. Group 2 consists of claims 38 and 39. Group 3 consists of claim 54. Group 4 consists of claim 57. Group 5 consists of claim 58. Group 6 consists of claims 34, 40, and 46. Group 7 consists of claims 35, 41, 47, 52, 55, 67, and 83. Group 8 consists of claims 36, 42, and 48. Group 9 consists of claims 53 and 56. Group 10 consists of claims 37, 43, and 49. Group 11 consists of claims 59 and 76. Group 12 consists of claims 60 and 77. Group 13 consists of claims 64 and 81. Group 14 consists of claims 65 and 82. Group 15 consists of claims 68 and 84. Group 16 consists of claims 69 and 85. Group 17 consists of claims 70 and 86. Group 18 consists of claims 71 and 87. Group 19 consists of claims 72 and 88. Group 20 consists of claims 75 and 91. Group 21 consists of

claims 61 and 78. Group 22 consists of claims 62, 66, and 79. Group 23 consists of claims 63 and 80. Group 24 consists of claim 89.

H. 37 CFR 1.192(c)(8) Argument

1. 37 CFR 1.192(c)(8)(i) - First Paragraph 35 USC 112

The application is in compliance with the first paragraph of 35 USC 112. Accordingly, this subsection is inapplicable.

2. 37 CFR 1.192(c)(8)(ii) - Second Paragraph 35 USC 112

The application is in compliance with the second paragraph of 35 USC 112. Accordingly, this subsection is inapplicable.

3. 37 CFR 1.192(c)(8)(iii) - 35 USC 102

a. The Rejections Under 35 USC 102(e) of Claims 32-56 and 58-91 as Being Anticipated by Jovicic et al. (US 5,855,007)

1. The Examiner's Argument

In support of the rejections of claims 32-91 under 35 USC 102(e), the examiner asserts that:

Claims 32-56 and 58-91 are rejected under 35 U.S.C. 102(e) as being anticipated by Jovicic et al. (US 5,855,007). Jovicic is considered to disclose a system or method comprising:

a web site for providing purchasing incentives from multiple sources (column 6 lines 4-48 wherein the disclosed Internet coupon notification center is considered to be patentably equivalent to the claimed multiple source web site purchase incentive);

a consumer purchase history database based on consumer online shopping activity (column 6 line 61 through column 7 line 61 wherein the disclosed electronic coupon redemption center accounting purpose is considered to implicitly anticipate claimed online purchase history database because redemption implies purchase history and accounting implies database shopping

activity, column 7 line 66-67 expressly teaches the claimed online shopping purchase history because the disclosed shopping patterns of a particular user is considered to be based on shopping purchase history, and column 9 lines 19-28 wherein the disclosed past transaction recordation of coupon server database access implies an online consumer purchase history database because coupons associated with online shopping indicate history as claimed);

a consumer database which can identify consumers by their e-mail address, wherein said consumer database is connected to said web site so as to receive consumer data from said web site (column 6 line 58 wherein the disclosed customer internet address is considered to anticipate the claimed consumer e-mail address because based on applicants' specification, it would be reasonable to broadly construe the terms as patentably synonymous and column 7 line 36 wherein the disclosed customer internet address or claimed consumer e-mail address is considered to be stored in a database);

receiving a consumer's e-mail address from a consumer's computer (column 8 lines 18-22 wherein the disclosed user self e-mailing is considered to expressly teach to consumer e-mail receipt);

maintaining a consumer email database which can identify consumers by their e-mail address (column 6 line 58 wherein the disclosed customer internet address is considered to anticipate the claimed consumer e-mail address because based applicants' specification, it would be reasonable to broadly construe the terms as patentably synonymous);

formatting an e-mail message to a consumer by electronic mail for subsequent printing of a coupon (column 7 lines 45-55 wherein the disclosed internet coupon server electronic mail print out is considered to expressly anticipate the claimed e-mail formatting for coupon printing); and/or

means for delivering purchasing incentives or notices to purchase a specific manufacturer product to consumers by e-mail or means for delivering e-mail notices which remind consumers to visit the web site or transmitting purchase incentives via an e-mail post office or transmitting to consumers a

notice to visit the web site via the consumer email address or generating targeted purchase incentives from a consumer purchase history database (column 7 lines 40-45 wherein the disclosed electronic mail message communication is considered to expressly disclose the claimed delivery means, reminder means, transmitting method, or generating method). Jovicic is also considered to disclose the claimed consumer profile (column 6 line 59), purchase history and consumer database integration (column 8 line 7), independently administered web site (column 10 line 34), cooperative site (column 10 line 36), past purchasing activity (column 7 line 66), shopping list selection data (column 8 line 50), rebate offer data (column 2 line 37), manufacturer or retailer web site links (column 7 line 58), product or sample information request (column 7 line 65), consumer favorite brands (column 6 line 59), customer identification number or name storage (column 7 line 27), demographic information (column 1 line 63), targeted time phased incentives based on consumer actual buying patterns and preferences (column 8 line 19), generating untargeted incentives (column 1 line 61), printed data enabling coupons (column 7 line 47), point of sale printing (column 2 line 64), token encoding identification card (column 7 line 27), shopping list selections (column 6 line 50), and particular consumer specific offers (column 6 line 60). [Office action mailed May 4, 2004 page 2 line 5 through page 5 line 7.]

2. The Applicants' Response

In reply, the applicants respectfully submit that rejections of claims 32-56 and 58-91 under 35 USC 102(e) based upon Jovicic are improper and should be reversed because (1) these rejections are not supported by substantial evidence and (2) these rejections fail to carry the burdens of proof and persuasion.

(a) **Claims 32, 38, 44, 50, 54, and Dependent Claims 33-37, 39-43, 45-49, 51-53, 55-56, and 59-91 “a web site for providing purchasing incentives from *multiple sources*”**

The examiner asserts that “Jovicic is considered to disclose a system or method comprising a web site for providing purchasing incentives from multiple sources”. The examiner further asserts that “...the disclosed internet coupon notification center is considered to be patentably equivalent to the claimed multiple source web site purchase incentive.” In summary reply, the applicant submits that Jovicic’s “internet coupon notification center” is not the claimed “web site for providing purchasing incentives from multiple sources,” as will be shown below.

In support of the assertion that “Jovicic is considered to disclose a system or method comprising a web site for providing purchasing incentives from multiple sources”, the examiner cites column 6 lines 4-48 in Jovicic, which states that:

As shown in FIG. 1, the Internet node 102 is coupled to an Internet Coupon Server 124 via Internet 122. The Internet Coupon Server 124 is any general purpose digital computer which serves as an "Internet Host" as described in the Internet Protocol RFC 791, and contains electronic coupons 300 and would preferably include a user database 126 which would keep track of the individual users registered with the Internet Coupon Server, a browsing memory 128 where representative coupon or coupons are stored and ready for selection by users, and a coupon database 130 which will be more fully discussed below. In addition, The Internet Coupon Server 124, also includes Internet Coupon Notification Center Gateway 132 (ICNC gateway) for communicating with a plurality of Internet Coupon Notification Centers (ICNC) 134. The ICNC gateway 132 preferably also includes a computer database identifying interfacing information for accessing one or more ICNCs 134 through the interface. ICNC 134 could be either communicating with the ICNC gateway 132 over public computer network such as the Internet 122, as shown in FIG. 1 or physically present within the Internet Coupon Server. Each ICNC 134 is the owner of one particular category of

coupons, for example a "Ben & Jerry's Inc." coupon category which gives \$0.25 discount on "Ben & Jerry's Vanilla Bean Ice Cream", and could comprise a coupon generation data base 136 for storing data about electronic coupons generated by the Internet Coupon Server 124, a coupon redemption database 138 for storing data about electronic coupons redeemed by users, general message database 140 for storing messages of general nature, and optionally, a printing device which records coupon transactions. Periodically, the ICNC 134 can communicate with the Internet Coupon Server 124, such as by the Internet Coupon Notification Center Gateway 132, and update Internet Coupon Server's Coupon Database 130, regarding the discount value of the coupon, number of coupons available, and coupon specifications. In this way, the Internet Coupon Server can maintain current information on electronic coupons 300 available to consumers. Typically, these consumers would be users of computing devices that are connected into public computer networks such as the Internet 122. As new providers of coupons become members of the electronic coupon communication system 100, they can establish ICNCs 134 and make their electronic coupons available to consumers over the Internet Coupon Server 124.

For at least the following reasons, the applicants submit that the cited passage in Jovicic does not disclose or suggest "a web site for providing purchasing incentives from *multiple sources*," as recited by claims 32, 38, 44, 50, and 54.

As to the meaning of "multiple sources", this application states at page 3 lines 12-16 that:

The purchasing incentive offers in the presently preferred embodiment of the invention are derived from two sources: product manufacturers and retailers. The manufacturers' incentives are presented to the customer in the form of a convenient index that the customer can browse through and select from. Similarly, retail supermarkets provide the source of another set of special offers, organized by store.

In addition, respecting both the Figure 1 and 13 embodiments, the specification states at page 18 lines 27-29 that:

A user 308 logs on to the server 300 through the network 304 and selects from a variety of offers stored on the storage device 306 by manufacturers and retailers.

Thus, the specification defines “multiple sources” to mean multiple retailers and/or manufacturers.

In contrast, Jovicic discloses its internet coupon notification center means an “internet coupon notification center” is not “owner of a *particular category* of coupons”. Jovicic column 6 lines 24-25. Therefore, Jovicic’s disclosed “web site for providing purchasing incentives from *multiple sources*” as defined by independent claims 32, 38, 44, 50, and 54. Therefore, independent claims 32, 38, 44, 50, and 54 patentably define over Jovicic. Therefore, the rejections of independent claims 32, 38, 44, 50, and 54 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

Dependent claims 33-37, 39-43, 45-49, 51-53, 55-56, and 59-91 depend from independent claims 32, 38, 44, 50, or 54. The rejections of dependent claims 33-37, 39-43, 45-49, 51-53, 55-56, and 59-91 under 35 USC 102(e) as being anticipated by Jovicic are improper for the reasons presented for the independent claims and should be reversed.

(b) Claims 32, 38, 44, 50, 54, and Dependent Claims 33-37, 39-43, 45-49, 51-53, 55-56, and 59-91 “a consumer purchase history database” and “online shopping activity”

The examiner asserts that Jovicic is considered to disclose a system or method comprising “a consumer purchase history database based on consumer online shopping activity”. The examiner further asserts that “wherein the disclosed electronic coupon redemption center accounting purpose is considered to implicitly anticipate the claimed online purchase history database because redemption implies purchase history and accounting implies database shopping activity”. The examiner is referring to Jovicic. In summary reply, the applicant submits that Jovicic discloses, with respect to databases, only that the user inputs demographic information during the initial process. As shown below, Jovicic does not disclose either (1) a consumer

purchase history database or a database (2) based on consumer online shopping activity, as will be shown below.

The examiner cites column 6 line 61 through column 7 line 61 in Jovicic as allegedly disclosing that Jovicic is considered to disclose a system or method comprising “a consumer purchase history database based on consumer online shopping activity”, which states that:

The electronic coupon 300 also includes the product title 304 which bears indicia identifying the product to which the coupon applies, owner's title 306 which bears indicia identifying a particular person or company participating in the electronic coupon communication system 100, as well as the owner's coupon specification data 308 which bears indicia that communicate the coupon owner's instructions to the consumer and the coupon redemption center, regarding coupon redemption. Uniform product code 310 bears the standardized product code provided to the electronic coupon communication system 100 by the coupon's owner which serves his or her own accounting purposes. Similarly, digital representation of a graphical image of a bar code 312 is a standardized machine readable code provided to the electronic coupon communication system 100 by the coupon's owner which serves his or her own accounting purposes. Expiration date 314 bears indicia indicating the expiration date of the coupon (if any). Furthermore, digital representation of a graphical image of the product 316 could bear a symbol, logo or an image related to the product graphically identifying the product. In addition, digital representation of the bar code's 312 and the product's 316 graphical image could utilize any of the image compression algorithms commonly used by general computing devices, such as the Joint Photographic Expert Group (JPEG) algorithm. Furthermore, electronic coupon 300 also contains a unique coupon serial number 318 generated by a coupon generation process 410 which identifies each particular electronic coupon 300 and plays an important role in marketing research and micro marketing techniques utilized by the coupon's owner. In the preferred embodiment of the invention, the electronic coupon 300 also contains customer's name data 320 bearing indicia pertaining to the name of coupon's user, customer's identification number (I.D.) 322 bearing

customer I.D. assigned to the user by the Internet Coupon Server 124 during a registration process 408 having the customer's Internet address 324 and a personalized message 326 which bears a marketing message generated during the coupon generation process. Indicia pertaining to the coupon 302, 304, 306, 308, 310, 312, 314, 316 and 318 are stored in the coupon data base 130 before the coupon generation process 410 occurs. Indicia pertaining to customer's personal information 320, 322, 324 and 326 are stored in the user data base 126 before beginning the coupon generation process 410. After the coupon generation process 410, all indicia are stored, combined in the browsing memory 128 to represent an electronic coupon 300.

An electronic coupon 300 communicates a message to the user of the Internet node 102 when, for example, displayed on a viewing display 116 during the on-line session or stored in memory in the form of electronic mail 120, or when printed as a hard copy on user's printer 118.

A person can select an electronic coupon 300 from the Internet Coupon Server 124, print out a hard copy and redeem it at the coupon redemption center 142 (retail outlet) or the user could send the coupon using electronic mail from the Internet Coupon Server 124 directly to the redemption center's general computing device connected into public computer network such as the Internet 122. The redemption center 142 would have an option to verify the legitimacy of the electronic coupon 300 by contacting coupon owner's ICNC 134 using various communication means.

According to the present invention, user's general computing device connected to the public network such as the Internet 122, establishes an on-line session with the Internet Coupon Server 124, preferably goes through the registration process 408 if the user is a new user, and then, after the coupon generation process 410 described in detail below,...

The examiner also states that "column 7 lines 66-67 expressly teaches the claimed online shopping purchase history because the disclosed shopping patterns of a particular user is considered to be based on shopping purchase history, and column 9 lines 19-28 wherein the

disclosed past transaction recordation of coupon server database access implies an online consumer purchase history database because coupons associated with online shopping indicate history as claimed”.

Column 7 lines 65-67 states that:

In the preferred embodiment of the invention, browsing is customized so that it suits the needs and shopping patterns of a particular user. By entering user input, such as through...

Column 9 lines 19-28 states that:

If the expiration date was not exceeded, the Internet Coupon Server records the transaction 510 in the field 11 which contains past transactions, by first storing customer's name, then customer's identification number and then the current coupon serial number. After the transaction is recorded, the Internet Coupon Server 124 notifies the transaction 512 over the Internet Coupon ICNC gateway to the coupon owner's ICNC 134 by first sending customer's name 320, then customer's identification number 322 and then the current coupon serial number 318.

For at least the following reasons, the applicants submit that the cited passages in Jovicic do not disclose or suggest either (1) “a consumer purchase history database based on consumer online shopping activity”, as recited by claims 32, 38, 44, and 50; or (2) “maintaining a consumer purchase history database based on consumer online shopping activity”, as recited by claim 54.

Jovicic discloses, with respect to databases, only that the user inputs demographic information during the initial registration process. See column 9 lines 60-63, which states that:

Field 5 [Defined as “User demographic information” in Table 2 in Jovicic column 9 line 48.] bears indicia identifying user’s demographic information which the Internet Coupon Server receives from the user during the initial registration process. [Jovicic column 9 lines 60-63.]

This registration information does not include either purchase information or online shopping activity. Moreover, Jovicic discloses demographics to mean region data or responses to marketing surveys, not purchase history information. Column 1 line 63 through column 2 line

1 of Jovicic states that:

While some demographic information can be obtained by noting the geographical regions in which the coupons were redeemed, the lack of any specific information as to the nature of the purchaser leads many manufacturers to conduct separate marketing surveys which are extremely costly and time consuming.

Moreover, Jovicic's other teachings are inconsistent with the examiner's conclusions as to Jovicic's teachings. The object of the invention, column 3 lines 1-6 in Jovicic, states that:

[T]o provide a coupon distribution and redemption system which can identify users of the system before they make coupon selections and offer different coupons to different users of the system before they make coupon selections on the basis of already-obtained demographic data about the users.

Thus, Jovicic is clearly directed to providing coupons, not purchases. Therefore, Jovicic does not disclose a consumer purchase history database.

Therefore, Jovicic does not disclose storing consumer purchase information. Accordingly, Jovicic does not disclose "a consumer purchase history database based on consumer online shopping activity", as recited by independent claims 32, 38, 44 and 50; and "maintaining a consumer purchase history database based on consumer online shopping activity", as recited by independent claim 54. Therefore, the rejections under 35 USC 102(e) based upon Jovicic are improper.

Since claims 32-56 and claims 58-91 either recite a "consumer purchase history database" or depend from a claim that recites a "consumer purchase history database", the rejections of claims 32-56 and claims 58-91 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(c) **Claims 32, 38, 44, 50, 54, 58, and Dependent Claims 33-37, 39-43, 45-49, 51-53, 55-56, and 59-91 "a consumer database which can identify consumers by their e-mail address"**

The examiner asserts that Jovicic is considered to disclose a system or method

comprising “a consumer database which can identify consumers by their e-mail address”.

The examiner further asserts that “the disclosed customer internet address is considered to anticipate the claimed consumer e-mail address because based on applicants’ specification, it would be reasonable to broadly construe the terms as patentably synonymous,” and “the disclosed customer internet address or claimed consumer e-mail address is considered to be stored in a database”. In summary reply, the applicant submits that Jovicic does not disclose a consumer database which can identify consumers by their e-mail address. Jovicic only discloses (1) that the user may be prompted to enter an email address and (2) that the Internet Coupon Server 124 mails the coupon electronically to the user, as will be shown below. What the examiner incorrectly assumed meant an email address (customer’s internet address) is in fact a network address, not an email address. See Attachment 1.

In support of the assertion that Jovicic is considered to disclose a system or method comprising “a consumer database which can identify consumers by their e-mail address, wherein said consumer database is connected to said website so as to receive consumer data from said website”, the examiner cites column 6 line 58 in Jovicic, which states that:

... number 322, customer’s Internet address 324, and ...

In further support of the assertion that Jovicic is considered to disclose a system or method comprising “a consumer database which can identify consumers by their e-mail address, wherein said consumer database is connected to said website so as to receive consumer data from said website”, the examiner cites column 7 line 36 in Jovicic, which states that:

... customer’s personal information 320, 322, 324, and 326 are stored ...

For at least the following reasons, the applicants submit that Jovicic does not disclose or suggest “a consumer database which can identify consumers by their e-mail address”, as recited by claims 32, 38, 44, 50, 54, and 58.

Jovicic indicates that its server does not store user email addresses (1) by teaching in its preferred embodiment that the user may be prompted to enter an email address during an online session so that the Internet Coupon Server 124 can e-mail the coupon electronically to the user. See column 8 lines 10-17, which states that:

Once the user viewing the display 116 selects an electronic coupon 300

being displayed, such as by entering user input at the keyboard 114, the Internet

Coupon Server 124 may ask the user to choose if the coupon is to be mailed electronically, Internet Coupon Server 124 prompts the user to input an electronic mail address 418. When electronic mail address is inputted [sic], Internet Coupon Server 124 mails the coupon electronically to the addressee 420.

This indicates that Jovicic's server does not have an email stored in association with the user log in name in user database 126. This means that Jovicic does not disclose a "consumer database which can identify consumers by their e-mail address".

Jovicic indicates that its server does not store user email addresses (2) by disclosing the user database 126 fields, none of which stores a user email address, stating in Table 2 that the user data structure fields only include user name, user login name, user password, user identification number, user demographic information, and user customized message. Jovicic column 9 lines 42-50.

Moreover, Jovicic uses the term "customer's Internet address", which does not mean an email address. The term "internet address" is defined to mean "The 32-bit host address defined by the Internet Protocol in STD 5, RFC 791. It is usually represented in dotted decimal notation", which is not an email address. See Attachment 1, which is a copy of the definition of internet address, "Dictionary.com, <http://dictionary.reference.com/search?q=internet%20address>".¹

Column 7 lines 27-32 of Jovicic refers to the customer internet address, stating that:

... customer's identification number (I.D.) 322 bearing customer I.D. assigned to the user by the Internet Coupon Server 124 during a registration process 408 having the customer's Internet address 324 and a personalized message 326 which bears a marketing message generated during the coupon generation process.

¹ Attachment 1 is a copy of the definition of internet address, "Dictionary.com, <http://dictionary.reference.com/search?q=internet%20address>".

Thus, contrary to the examiner's position, one of ordinary skill in the art would have recognized that Jovicic's reference to a customer's internet address meant an internet address. Therefore, Jovicic does not disclose identifying consumers by their e-mail addresses.

Therefore, Jovicic does not disclose "maintaining a consumer email database which can identify consumers by their e-mail address", as recited by claim 50; and Jovicic does not disclose "maintaining a consumer database which can identify consumers by their e-mail address", as recited by claims 54 and 58. Therefore, the 35 USC 102(e) rejections based upon Jovicic are improper. Therefore, the rejections of claims 50, 54, and 58 under 35 USC 102(e) as being anticipated by Jovicic should be reversed.

Dependent claims 33-37, 39-43, 45-49, 51-53, 55-56, and 59-91 depend from independent claims 32, 38, 44, 50, or 54. The rejections of dependent claims 33-37, 39-43, 45-49, 51-53, 55-56, and 59-91 under 35 USC 102(e) as being anticipated by Jovicic are improper for the reasons presented for the independent claims and should be reversed.

(d) Claims 38, 54, and Dependent Claims 39-43 and 55-56 "means for delivering e-mail notices which remind consumers to visit the web site"

The examiner asserts that "Jovicic is considered to disclose a system or method comprising means for delivering e-mail notices which remind consumers to visit the web site". The examiner further asserts that "the disclosed electronic mail message communication is considered to expressly disclose the claimed delivery means, reminder means, transmitting method, or generating method". However, Jovicic does not disclose the content of the message. In support of the statement that "Jovicic is considered to disclose a system or method comprising means for delivering e-mail notices which remind consumers to visit the web site", the examiner cites column 7 lines 40-45 in Jovicic, which states that:

An electronic coupon 300 communicates a message to the user of the Internet node 102 when, for example, displayed on a viewing display 116 during the on-line session or stored in memory in the form of electronic mail 120, or when printed as a hard copy on user's printer 118.

For at least the following reasons, the applicants submit that the cited passage in Jovicic does not disclose or suggest (1) the content of the message, which is recited by the limitation “a means for delivering by e-mail notices which remind consumers to visit said Web site”, as recited in claim 38, or (2) the content of the message, which is recited by the limitation “transmitting to consumers a notice to visit the Web site via the consumer’s post office”, as recited in claim 54.

Jovicic does not disclose the content of the message and therefore, Jovicic does not disclose sending a notice to visit said Web site or to visit the Web site via the consumer’s post office. Moreover, Jovicic discloses that the electronic coupon is “stored in memory in the form of electronic mail 120”, however, Jovicic does not disclose the delivery means or transmitting method of this email message.

Therefore, Jovicic does not disclose “a means for delivering by e-mail notices which remind consumers to visit said Web site”, as recited by claim 38; and Jovicic does not disclose “transmitting to consumers a notice to visit the Web site via the consumer’s post office”, as recited by claim 54. Therefore, the rejections of independent claims 38 and 54 under 35 USC 102(e) based upon Jovicic are improper and should be reversed.

Dependent claims 39-43 and 55-56 depend from independent claims 38 or 54. The rejections of dependent claims 39-43 and 55-56 under 35 USC 102(e) as being anticipated by Jovicic are improper for the reasons presented for the independent claims and should be reversed.

(e) **Claim 54 and Dependent Claims 55-56**
“transmitting to consumers a notice to visit the
web site via the consumer email address”

The examiner asserts that “Jovicic is considered to disclose a system or method comprising means for transmitting to consumers a notice to visit the web site via the consumer email address”. The support cited by the examiner is the same as that contained in section III.H.3.a.2.(d) above.

The applicants submit that the cited passage in Jovicic does not disclose or suggest the content of the message, which is recited by the limitation “transmitting to consumers a notice to

visit the Web site via the consumer's e-mail post office", as recited in claim 54.

Therefore, the rejection of independent claim 54 under 35 USC 102(e) as being anticipated by Jovicic is improper and should be reversed.

Dependent claims 55-56 depend from independent claim 54. The rejections of dependent claims 55-56 under 35 USC 102(e) as being anticipated by Jovicic are improper for the reasons presented for the independent claim 54 and should be reversed.

(f) **Claim 58 "generating targeted purchase incentives from a consumer purchase history database"**

The examiner asserts that "Jovicic is considered to disclose a system or method comprising means for generating targeted purchase incentives from a consumer purchase history database". In support of this assertion, the examiner cites column 7 lines 40-45 in Jovicic, which is cited in section (f) above.

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest "generating targeted purchase incentives from a consumer purchase history database", which is recited by claim 58.

The passage does not expressly disclose the claimed reminder means or generating method, as the examiner states. Moreover, the passage states that the message is "stored in memory in the form of electronic mail 120", which does not expressly disclose the claimed delivery means or transmitting method. The passage does not disclose the content of the message, so it does not disclose a notice to generate targeted purchase incentives from a consumer purchase history database.

Jovicic does not disclose "generating targeted purchase incentives from a consumer purchase history database", as defined by claim 58. Therefore, the rejection of claim 58 under 35 USC 102(e) as being anticipated by Jovicic is improper and should be reversed.

(g) **Claims 34, 40, and 46 - The Claimed "purchase history and consumer database are integrated"**

The examiner asserts that "Jovicic is considered to disclose the claimed purchase history and consumer database integration". In support of this assertion, the examiner cites column 8

line 7 in Jovicic, which states that:

... Coupon Server 124 sequentially transmit digitized pattern of ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “purchase history and consumer database integration”, which is defined by claims 34, 40, and 46.

As proven above, Jovicic does not disclose a consumer purchase history database. Therefore, Jovicic does not disclose the claimed “purchase history and consumer database integration”, as defined by claims 34, 40, and 46. Therefore, the rejections of claims 34, 40, and 46 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

**(h) Claims 35, 41, 47, 52, 55, 67, and 83 - The
Claimed independently administered web site**

The examiner asserts that “Jovicic is considered to disclose the claimed independently administered web site”. In support of this assertion, the examiner cites column 10 line 34 in Jovicic, which states that:

... invention, the Internet node 102 will access Internet Coupon ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “independently administered web site”, which is defined by claims 35, 41, 47, 52, 55, 67, and 83.

The claimed independently administered web site is disclosed, for example, at page 5 line 28 through page 6 line 2 of the subject application, which states that:

Instead of being administered by or for a single commercial entity, the Web site through which customers communicate in accordance with the present invention is a cooperative site involving both retailers and manufacturers, to provide customers with a variety of information, planning aids, and shopping incentives from multiple sources.

The passage that the examiner cites does not disclose the administration of a web site, it discloses the interaction between the Internet node 102 and the Internet Coupon Server’s browsing memory 128 during the on-line session.

Jovicic does not disclose the claimed “independently administered web site”, as defined

by claims 35, 41, 47, 52, 55, 67, and 83. Therefore, the rejections of claims 35, 41, 47, 52, 55, 67, and 83 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(i) **Claims 36, 42, and 48 - The Claimed
“cooperative site”**

The examiner asserts that “Jovicic is considered to disclose the claimed cooperative site”. In support of this assertion, the examiner cites column 10 line 36 in Jovicic, which states that:

... over public computer network such as the Internet 122 using ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “cooperative site”, which is defined by claims 36, 42, 48, 53, and 56.

The passage that the examiner cites does not disclose the claimed cooperative site, it discloses an interaction between the Internet node 102 and the Internet Coupon Server’s browsing memory 128 during the on-line session. The use of a “public computer network such as the Internet” does not disclose a cooperative site.

The claimed “cooperative site” is disclosed, for example, at page 5 line 28 through page 6 line 2 in the subject application, which states that:

Instead of being administered by or for a single commercial entity, the Web site through which customers communicate in accordance with the present invention is a cooperative site involving both retailers and manufacturers, to provide customers with a variety of information, planning aids, and shopping incentives from multiple sources.

Jovicic does not disclose the claimed “cooperative site”, as defined by claims 36, 42, 48, 53, and 56. Therefore, the rejections of claims 36, 42, 48, 53, and 56 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(j) **Claims 53 and 56 - The Claimed “step of
providing a web site is achieved cooperatively”**

The examiner asserts that Jovicic is considered to disclose the claimed “step of providing a web site is achieved cooperatively.” In support of this assertion, the examiner cites column 10 line 36 in Jovicic, which states that:

... over public computer network such as the Internet 122 using ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “step of providing a web site is achieved cooperatively”, which is defined by claims 53 and 56.

The passage that the examiner cites does not disclose the claimed “step of providing a web site is achieved cooperatively”, it discloses an interaction between the Internet node 102 and the Internet Coupon Server’s browsing memory 128 during the on-line session. The use of a “public computer network such as the Internet” does not disclose the claimed “step of providing a web site is achieved cooperatively”.

The claimed “step of providing a web site is achieved cooperatively” is disclosed, for example, at page 5 line 28 through page 6 line 2 in the subject application, which states that:

Instead of being administered by or for a single commercial entity, the Web site through which customers communicate in accordance with the present invention is a cooperative site involving both retailers and manufacturers, to provide customers with a variety of information, planning aids, and shopping incentives from multiple sources.

This passage discloses that both retailers and manufacturers are able to combine their efforts, including information and incentives, to provide a beneficial website for customers, as defined in claims 53 and 56.

Jovicic does not disclose the claimed “step of providing a web site is achieved cooperatively”, as recited by claims 53 and 56. Therefore, the rejections of claims 53 and 56 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(k) Claims 37, 43, and 49 - The Claimed “past purchasing activity”

The examiner asserts that “Jovicic is considered to disclose the claimed past purchasing activity”. In support of this assertion, the examiner cites column 7 line 66 in Jovicic, which states that:

... customized so that it suits the needs and shopping patterns ...

In reply, the applicants submit that the passage that the examiner cites in Jovicic does not

disclose or suggest the claimed “past purchasing activity”, which is defined by claims 37, 43, and 49.

The passage cited by the examiner is taken out of the context of the disclosure. Column 7 line 65 through column 8 line 2 in Jovicic states that:

In the preferred embodiment of the invention, browsing is customized so that it suits the needs and shopping patterns of a particular user. By entering user input, such as through the keyboard 114, the user can browse through the available coupons and make a selection of one coupon 300.

The passage discloses that the user has to enter input to customize the browsing, not that the user’s past purchasing activity is involved.

Jovicic does not disclose the claimed “past purchasing activity”, as defined by claims 37, 43, and 49. Therefore, the rejections of claims 37, 43, and 49 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(I) Claims 59 and 76 - The Claimed “shopping list selection data”

The examiner asserts that “Jovicic is considered to disclose the claimed shopping list selection data”. In support of this assertion, the examiner cites column 8 line 50 in Jovicic, which states that:

Structure (Table 1). Field 1 “Number of coupons available” ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “shopping list selection data”, which is defined by claims 59 and 76.

Column 8 lines 48-53 in Jovicic states that:

Upon coupon selection 412, the transaction is recorded in the coupon data base 130, said data base containing Coupon Structure (Table 1). Field 1 “Number of coupons available” bears indicia providing information on the maximum number of electronic coupons the current unique coupon serial number 318 which makes a particular coupon unique.

This passage discloses information presented to the consumer after coupon selection, which does not disclose the claimed shopping list selection data. Moreover, the information in

the Jovicic disclosure pertains to the number of coupons available, while shopping list selection data is disclosed in the subject application to present to the consumer such variables as store department and selected items within that department before the consumer makes a selection.

Jovicic does not disclose the claimed “shopping list selection data”, as defined by claims 59 and 76. Therefore, the rejections of claims 59 and 76 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(m) Claims 60 and 77 - The Claimed “rebate offer data”

The examiner asserts that “Jovicic is considered to disclose the claimed rebate offer data”. In support of this assertion, the examiner cites column 2 line 37 in Jovicic, which states that:

... clearing, e) eliminate fraudulent redemptions of the type that ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “rebate offer data”, which is defined by claims 60 and 77.

The passage cited by the examiner relates to the redemption of coupons. Jovicic does not disclose the claimed “rebate offer data”, as defined by claims 60 and 77. Therefore, the rejections of claims 60 and 77 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(n) Claims 64 and 81 - The Claimed “manufacturer or retailer web site links”

The examiner asserts that “Jovicic is considered to disclose the claimed manufacturer or retailer web site links”. In support of this assertion, the examiner cites column 7 line 58 in Jovicic, which states that:

Internet 122, establishes an on-line session with the Internet Coupon
Server 124...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “manufacturer or retailer web site links”, which is defined by claims 64 and 81.

The Internet Coupon Server 124 is defined in Jovicic at column 6 lines 5- 8, which states that:

The Internet Coupon Server 124 is any general purpose digital computer which serves as an “Internet Host” as described in the Internet Protocol RFC 791.

Jovicic also discloses on column 6 lines 14-25 that the Internet Coupon Server 124 includes Internet Coupon Notification Center Gateway 132 and that each Internet Coupon Notification Center Gateway communicates with a plurality of Internet Coupon Notification Centers 134, each of which are the owners a particular coupon category. However, Jovicic does not disclose the claimed “manufacturer or retailer web site links”, as defined by claims 64 and 81. Therefore, the rejections of claims 64 and 81 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(o) Claims 65 and 82 - The Claimed “product or sample information request”

The examiner asserts that “Jovicic is considered to disclose the claimed product or sample information request”. In support of this assertion, the examiner cites column 7 line 65 in Jovicic, which states that:

In the preferred embodiment of the invention, browsing is ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “product or sample information request”, which is defined by claims 65 and 82.

This passage discloses that the user has to enter input to customize the browsing and does not disclose the claimed “product or sample information request”, as defined by claims 65 and 82. Therefore, the rejections of claims 65 and 82 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(p) Claims 68 and 84 - The Claimed “consumer favorite brands”

The examiner asserts that “Jovicic is considered to disclose the claimed consumer favorite brands”. In support of this assertion, the examiner cites column 6 line 59 in Jovicic,

which states that:

... personalized message tailored to a particular customer.

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “consumer favorite brands”, which is defined by claims 68 and 84.

The passage cited in Jovicic discloses the inclusion of a personalized message in an electronic coupon. However, Jovicic does not disclose that its system is capable of retaining a consumer’s favorite brands. Therefore, the personalized message could not contain a consumer’s favorite brands, as disclosed in claims 68 and 84.

Jovicic does not disclose the claimed “consumer favorite brands”, as defined by claims 68 and 84. Therefore, the rejections of claims 68 and 84 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(q) **Claims 69 and 85 “said consumer purchase history database stores data including at least three of said customer identification number, name, residential address, zip code, and email address”**

The examiner asserts that “Jovicic is considered to disclose the claimed customer identification number or name storage”. In support of this assertion, the examiner cites column 7 line 27 in Jovicic, which states that:

... coupon’s user, customer’s identification number (I.D.) 322 ...

In reply, the applicants submit that even if Jovicic disclosed a system or method comprising the claimed “customer identification number or name storage”, Jovicic would not disclose “said consumer purchase history database stores data including at least three of said customer identification number, name, residential address, zip code, and email address”, which is defined by claims 69 and 85.

As proven above, Jovicic does not disclose a consumer purchase history database. Moreover, the “customer identification number and customer name” that the examiner claims is disclosed by Jovicic do not total the minimum three required elements as disclosed in claims 69 and 85.

Therefore, Jovicic does not disclose the claimed “said consumer purchase history database stores data including at least three of said customer identification number, name, residential address, zip code, and email address”, as defined by claims 69 and 85. Therefore, the rejections of claims 69 and 85 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

- (r) **Claims 70 and 86 “said consumer purchase history database stores selected consumer demographic information data, including at least two of number of persons in a household, age categories of persons in said household, and number of pets in said household”**

The examiner asserts that “Jovicic is considered to disclose the claimed demographic information”. In support of this assertion, the examiner cites column 1 line 63 in Jovicic, which states that:

While some demographic information can ...

In reply, the applicants submit that even if Jovicic disclosed a system or method comprising the claimed “demographic information”, Jovicic would not disclose “said consumer purchase history database stores selected consumer demographic information data, including at least two of number of persons in a household, age categories of persons in said household, and number of pets in said household”, which is defined by claims 70 and 86.

As proven above, Jovicic does not disclose a consumer purchase history database. Moreover, the “demographic information” that the examiner claims is disclosed by Jovicic do not total the minimum two required elements as defined in claims 70 and 86.

Therefore, Jovicic does not disclose the claimed “said consumer purchase history database stores selected consumer demographic information data, including at least two of number of persons in a household, age categories of persons in said household, and number of pets in said household”, as defined by claims 70 and 86. Therefore, the rejections of claims 70 and 86 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(s) **Claims 71 and 87 - The Claimed “targeted time phased incentives based on consumer actual buying patterns and preferences”**

The examiner asserts that “Jovicic is considered to disclose the claimed targeted time phased incentives based on consumer actual buying patterns and preferences”. In support of this assertion, the examiner cites column 8 line 19 in Jovicic, which states that:

... choose to e-mail the coupon to him or herself allowing him ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “targeted time phased incentives based on consumer actual buying patterns and preferences”, which is recited by claims 71 and 87.

The passage cited by the examiner discloses that a consumer, who is viewing a display of electronic coupons, can email the coupon to the consumer. This passage does not disclose targeted incentives, time-phased incentives, and the incentives are not based on consumer actual buying patterns and preferences; all of which are disclosed, for example, by the subject application at page 21 lines 10-13, which states that:

This approach allows producing targeted, time-phased incentives based on the customer’s actual buying patterns and preferences, and delivering them in the home prior to the customer’s shopping trip.

Jovicic does not disclose the claimed “targeted time phased incentives based on consumer actual buying patterns and preferences”, as defined by claims 71 and 87. Therefore, the rejections of claims 71 and 87 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(t) **Claims 72 and 88 “generating untargeted incentives”**

The examiner asserts that “Jovicic is considered to disclose the claimed generating untargeted incentives”. In support of this assertion, the examiner cites column 1 line 61 in Jovicic, which states that:

... submitted anonymously, the manufacturer does not know ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest the claimed “generating untargeted incentives”, which is recited by claims 72 and 88.

The passage, in the Background of the Invention section, refers to the practice that coupons were submitted anonymously to consumers and the manufacturer did not know who had redeemed coupons, so the manufacturer could not market to the redeemers. This passage does not disclose “generating untargeted incentives”, which is disclosed, for example, by the subject application at page 21 lines 14-19, which states that:

The same delivery mechanism can be used to deliver untargeted or less targeted incentives from manufacturers, indicated at 518. The manufacturers may, for example, generate weekly offers, as shown in block 520, which the system delivers to selected consumers. Selection of consumers may be based on a customer profile or on demographic information maintained by the system administrator and selected by the manufacturer.

Jovicic does not disclose the claimed “generating untargeted incentives”, as defined by claims 72 and 88. Therefore, the rejections of claims 72 and 88 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(u) Claims 75 and 91 - The Claimed “token encoding identification card”

The examiner asserts that “Jovicic is considered to disclose the claimed token encoding identification card”. In support of this assertion, the examiner cites column 7 line 27 in Jovicic, which states that:

... coupon’s user, customer’s identification number (I.D.) 322 ...

In reply, the applicants submit that the passage that the examiner cites does not disclose or suggest a token and therefore Jovicic does not disclose the claimed “token encoding identification card”, which is defined by claims 75 and 91 and is disclosed, for example, by the subject application at page 19 lines 8-12, which states that:

(b) The server 300 transmits the image of a token 316 of some kind to the user’s computer 302. The token defines the coupon offer, preferably in coded form, such as in bar codes, but is not recognizable as a coupon. The token may,

for example, be an encoded confirmation number. The user 308 presents the token 316 at the store he or she has selected, and receives the appropriate discount or promotion automatically.

Therefore, the rejections of claims 75 and 91 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(v) Claims 59 and 76 - The Claimed “shopping list selections”

The examiner asserts that “Jovicic is considered to disclose the claimed shopping list selections”. In support of this assertion, the examiner cites column 6 line 50 in Jovicic, which states that:

... preferably a combination of indicia and graphics which communicates ...

In reply, the applicants submit that the passage that the examiner cites discloses an electronic coupon. It does not disclose or suggest the claimed “shopping list selections”, which is recited by claims 59 and 76 and is disclosed, for example, by the subject application at page 14 lines 13-20, which states that:

The shopping list maker is entered, as indicated in block 220, from the main menu, or from any of other various screens. The user may select a store department (block 222), such as meat, produce, and so forth, then select from displayed items sold in that department, as indicated in block 224. The selected items are added to the session record, as indicated in block 226, before a return is made to the main menu, as indicated in block 228. Items may be selected for adding to the shopping list whether or not any of the items is subject to a manufacturers’ or supermarket special offer. Optionally, manufacturer and retailer offers may be displayed in the appropriate sections to alert the users of specials available.

Jovicic does not disclose the claimed “shopping list selections”, as defined by claims 59 and 76. Therefore, the rejections of claims 59 and 76 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

(w) Claims 61 and 78 - The Claimed “particular consumer specific offers”

The examiner asserts that “Jovicic is considered to disclose the claimed particular consumer specific offers”. In support of this assertion, the examiner cites column 6 line 60 in Jovicic, which states that:

... [The] discount information 302 bears indicia identifying a particular [value of the coupon].

In reply, the applicants submit that the passage that the examiner cites discloses does not disclose or suggest the claimed “particular consumer specific offers”, which is defined by claims 61 and 78.

As proven above, Jovicic does not disclose a consumer purchase history database. Therefore, Jovicic does not disclose the claimed “said consumer purchase history database comprises notices detailing specific offers data”, as defined by claim 61 and 78 and is disclosed, for example, by the subject application at page 21 lines 27-29, which states that:

Untargeted messages or notices can also be broadcast to large numbers of consumers to encourage them to visit a specific retail store, or to purchase a specific manufacturer’s product, or to visit the Web site.

Jovicic does not disclose the claimed “particular consumer specific offers”, as defined by claims 61 and 78. Therefore, the rejections of claims 61 and 78 under 35 USC 102(e) as being anticipated by Jovicic are improper and should be reversed.

Claim 61 depends from independent claim 32. Therefore, the rejection of claim 61 should be reversed for the same reasons as those reasons presented for claim 32.

Claim 78 depends from independent claim 50. Therefore, the rejection of claim 78 should be reversed for the same reasons as those reasons presented for claim 50.

(x) Claims 62, 66, and 79 - The Examiner did not Cite Support for Rejecting Claims 62, 66 and 79

The examiner did not cite support for rejecting claims 62, 66 and 79, so the examiner’s rejections of claims 62 and 79 are improper and should be withdrawn.

**(y) Claims 63 and 80 - The Examiner did not Cite
Support for Rejecting Claims 63 and 80**

The examiner did not cite support for rejecting claims 63 and 80, so the examiner's rejections of claims 63 and 80 are improper and should be withdrawn.

**(z) Claim 89 - The Examiner did not Cite Support
for Rejecting Claim 89**

The examiner did not cite support for rejecting claim 89, so the examiner's rejection of claim 89 is improper and should be withdrawn.

**b. The Rejections Under 35 USC 102(e) of Claim 57 as Being
Anticipated by Golden et al. (US 5,71,648)**

1. The Examiner's Argument

In support of the rejections of claims 32-91 under 35 USC 103(a), the examiner asserts that:

Claim 57 is rejected under 35 U.S.C. 102(e) as being anticipated by Golden et al. (US 5,761,648). Golden is considered to disclose a system or method comprising:

a personal database 2;

a purchase history database wherein the data on consumer purchases are based on consumer online shopping activity (column 4 lines 27-39 wherein the disclosed issuer coupon file data base with card check out activation online is considered to expressly teach the claimed online consumer shopping activity history database);

means for generating a web page with a consumer specific display (column 4 line 60 wherein the disclosed downloaded display by login password entry is considered to imply the claimed consumer specific web page display because a downloaded login would generate a specific consumer display);

means for updating said web page (column 5 line 7 wherein the disclosed coupon update instructions is considered to expressly teach the claimed web page

update means); and

means for informing the consumer by e-mail of new incentives (column 1 line 30 40 wherein the disclosed mail packs or mail lists when read in conjunction with the disclosed online electronic certificate is considered to imply the claimed informing means because new incentives to consumers inform via electronic means and mail means). [Office action mailed May 4, 2004 page 5 line 8 through page 6 line 7.]

2. The Applicants' Response

In reply, the applicants respectfully submit that this rejection is not supported by substantial evidence and it fails to carry the burdens of proof and persuasion. Therefore, the rejection of claim 57 under 35 USC 102(e) as being anticipated by Golden is improper and should be reversed.

(a) **Claim 57 - the Examiner has not Shown that Golden Discloses a System or Method Comprising "a web site for providing information and shopping incentives from multiple sources such as retailers and manufacturers"**

The examiner did not cite support for rejecting the limitation "a web site for providing information and shopping incentives from multiple sources such as retailers and manufacturers". Therefore, the rejection of claim 57 under 35 USC 102(e) as being anticipated by Golden is improper and should be reversed.

(b) **Claim 57 "a purchase history database wherein the data on the consumer purchases are based on online shopping activity"**

The examiner asserts that "Golden is considered to disclose a system or method comprising a purchase history database wherein the data on the consumer purchases are based on

online shopping activity”. The examiner cites column 4 lines 27-39 in Golden, which states that:

With the second method of redeeming a coupon, the consumer PC 2 transmits the selected coupon file 5 to a data base 7 designated by the issuer, where it is stored with the same information as the printed coupon, including the transaction and identification data. The check-out system at the retail outlet 8 would then automatically activate the discount if the consumer presented a store credit card or a third-party credit card and purchased the designated product. Preferably, the electronic transfer of the coupon from the consumer PC to data base 7 can only be done online. (This permits the service data base 2 to accurately track the coupon's printing or presentation activity, as discussed below.)

In further support of this passage, the examiner states “wherein the disclosed issuer coupon file data base with card check out activation online is considered to expressly teach the claimed online consumer shopping activity history database”.

In reply, the applicants submit that the passage that the examiner cites in Golden does not disclose or suggest “a purchase history database wherein the data on consumer purchases are based on consumer online shopping activity”, as recited by claim 57.

The passage that the examiner cites in Golden refers to a method of redeeming a coupon, whereby a customer can select coupons from the database and at the point of purchase and there is an electronic transfer of the coupon amount. Information pertaining to the selection of coupons for possible redemption does not constitute consumer purchase history data because selecting coupons are not a purchase.

Golden does not disclose “a purchase history database wherein the data on consumer purchases are based on consumer online shopping activity”, as recited by claim 57. Therefore, the rejection of claim 57 under 35 USC 102(e) as being anticipated by Golden is improper and should be reversed.

(c) **Claim 57 “means for generating a web page with a consumer-specific display”**

The examiner asserts that “Golden is considered to disclose a system or method comprising means for generating a web page with a consumer-specific display”. The examiner

cites column 4 line 60 in Golden, which states that:

...can be required). A main menu 12 is then displayed. Among...

In further support of this passage, the examiner states “wherein the disclosed downloaded display by login password entry is considered to imply the claimed consumer specific web page display because a downloaded login would generate a specific consumer display”.

In reply, the applicants submit that the passage that the examiner cites in Golden does not disclose or suggest “means for generating a web page with a consumer-specific display”, as recited by claim 57.

The passage that the examiner cites in Golden refers to a main menu that is displayed to a coupon issuer after the coupon issuer enters a login password. Claim 57 is directed to the consumer and not to a coupon issuer.

Moreover, the subject application discloses a personal consumer web site for providing a consumer with information and shopping incentives from multiple sources, which is disclosed, for example, at page 22 lines 2-3 and states that:

Another feature of the invention is the more direct targeting of incentives using a “personal page” for each consumer who wants one established.

In addition, there is nothing in the passage that relates the entry of a password by a coupon issuer to generating a display that is specific to any consumer. Therefore, the web page that is allegedly disclosed by Golden is not consumer-specific.

Furthermore, the examiner has provided no support to show that the main menu that is displayed in Golden constitutes a personal web page, which as disclosed, for example, in the subject application at page 22 lines 12-18, which states that:

The personal page displays a screen of information that is consumer-specific in many respects but will, of course, contain some data that is supplied to all consumers who have personal pages. The page is preferably personalized with the consumer’s name and may also contain the shopping list, if any, already generated by the consumer in the current online session. Significantly, the personal page will also contain offers and incentives targeted to the specific consumer, as further explained below.

Golden does not disclose “means for generating a web page with a consumer-specific

display”, which is recited by claim 57. Therefore, claim 57 patentably defines over Golden. Therefore, the rejection of claim 57 as being disclosed by Golden is improper and should be reversed.

(d) Claim 57 “means for updating said web page”

The examiner asserts that “Golden is considered to disclose a system or method comprising means for updating said web page”. The examiner cites column 5 line 7 in Golden, which states that:

[These changes are] used to update the coupon instructions 19 resident in the [service data base.]

In further support of this passage, the examiner states “wherein the disclosed coupon update instructions is considered to expressly teach the claimed web page update means”.

In reply, the applicants submit that the passage that the examiner cites in Golden does not disclose the limitations defined by the recitation “means for updating said web page”, as recited by claim 57.

As explained in the preceding section, Golden does not disclose or suggest “means for generating a web page with a consumer-specific display”. Therefore, Golden cannot disclose “means for updating said web page”, as recited by claim 57. Therefore, claim 57 patentably defines over Golden. Therefore, the rejection of claim 57 as being disclosed by Golden is improper and should be reversed.

(e) Claim 57 “means for informing the consumer by e-mail of new incentives”

The examiner asserts that “Golden is considered to disclose a system or method comprising means for informing the consumer by e-mail of new incentives”. The examiner cites column 1 lines 30-40 in Golden, which states that:

The need arises for creation of an online "electronic certificate" that can be used for promotional or transactional purposes, much as coupons have been used in such traditional marketing vehicles as newspapers and mail packs.

Beyond offering a discount as an incentive to buy a feature product, the coupon is

also currency, printed in quantities limited by the issuer and often carrying unique serial numbers, expiration dates and "source codes" which indicate the means by which it was distributed (e.g. newspaper, mail list, in-store dispenser, etc.), so issuers can track the effectiveness of each marketing medium.

In further support of this passage, the examiner states "wherein the disclosed mail packs or mail lists when read in conjunction with the disclosed online electronic certificate is considered to imply the claimed informing means because new incentives to consumers inform via electronic means and mail means".

In reply, the applicants submit that the passage that the examiner cites in Golden does not disclose or suggest "a system or method comprising means for informing the consumer by e-mail of new incentives", as recited by claim 57.

Golden's mail packs and mail lists are not email notifications of new incentives. Therefore, Golden does not disclose "a system or method comprising means for informing the consumer by e-mail of new incentives", as recited in claim 57. Therefore, the rejection of claim 57 under 35 USC 102(e) based upon Golden is improper and should be reversed.

4. 37 CFR 1.192(c)(8)(iv) - 35 USC 103

The application is in compliance with 35 USC 103. Accordingly, this subsection is inapplicable.

5. 37 CFR 1.192(c)(8)(v) - Other Rejections

There are no other rejections. Accordingly, this subsection is inapplicable.

IV. Groupings of Claims - Why Rejections of Each Group Should be Reversed

Each group of claims noted below does not stand or fall with any other group. Claims in each group have the same set of arguments presented in the brief. Accordingly, the claims of each group do stand or fall together.

A. Group 1 - Claims 32, 33, 44, 45, 50, 51, 73, 74, and 90

Group 1 - Claims 32, 33, 44, 45, 50, 51, 73, 74, and 90 arguments sections III.H.3.a.2.(a),

III.H.3.a.2.(b), and III.H.3.a.2.(c).

B. Group 2 - Claims 38 and 39

Group 2 - Claims 38 and 39 arguments sections III.H.3.a.2.(d).

C. Group 3 - Claim 54

Group 3 - Claim 54 arguments sections III.H.3.a.2.(e).

D. Group 4 - Claim 57

Group 4 - Claim 57 arguments sections III.H.3.b.

E. Group 5 - Claim 58

Group 5 - Claim 58 arguments sections III.H.3.a.2.(f).

F. Group 6 - Claims 34, 40, and 46

Group 6 - Claims 34, 40, and 46 arguments sections III.H.3.a.2.(g).

G. Group 7 - Claims 35, 41, 47, 52, 55, 67, and 83

Group 7 - Claims 35, 41, 47, 52, 55, 67, and 83 arguments sections III.H.3.a.2.(h).

H. Group 8 - Claims 36, 42, and 48

Group 8 - Claims 36, 42, and 48 arguments sections III.H.3.a.2.(i).

I. Group 9 - Claims 53 and 56

Group 9 - Claims 53 and 56 arguments sections III.H.3.a.2.(j).

J. Group 10 - Claims 37, 43, and 49

Group 10 - Claims 37, 43, and 49 arguments sections III.H.3.a.2.(k).

K. Group 11 - Claims 59 and 76

Group 11 - Claims 59 and 76 arguments sections III.H.3.a.2.(l) and III.H.3.a.2.(v).

L. Group 12 - Claims 60 and 77

Group 12 - Claims 60 and 77 arguments sections III.H.3.a.2.(m).

M. Group 13 - Claims 64 and 81

Group 13 - Claims 64 and 81 arguments sections III.H.3.a.2.(n).

N. Group 14 - Claims 65 and 82

Group 14 - Claims 65 and 82 arguments sections III.H.3.a.2.(o).

O. Group 15 - Claims 68 and 84

Group 15 - Claims 68 and 84 arguments sections III.H.3.a.2.(p).

P. **Group 16 - Claims 69 and 85**

Group 16 - Claims 69 and 85 arguments sections III.H.3.a.2.(q).

Q. **Group 17 - Claims 70 and 86**

Group 17 - Claims 70 and 86 arguments sections III.H.3.a.2.(r).

R. **Group 18 - Claims 71 and 87**

Group 18 - Claims 71 and 87 arguments sections III.H.3.a.2.(s).

S. **Group 19 - Claims 72 and 88**

Group 19 - Claims 72 and 88 arguments sections III.H.3.a.2.(t).

T. **Group 20 - Claims 75 and 91**

Group 20 - Claims 75 and 91 arguments sections III.H.3.a.2.(u).

U. **Group 21 - Claims 61 and 78**

Group 21 - Claims 61 and 78 arguments sections III.H.3.a.2.(w).

V. **Group 22 - Claims 62, 66, and 79**

Group 22 - Claims 62, 66, and 79 arguments sections III.H.3.a.2.(x).

W. **Group 23 - Claims 63 and 80**

Group 23 - Claims 63 and 80 arguments sections III.H.3.a.2.(y).

X. **Group 24 - Claim 89**

Group 24 - Claim 89 arguments sections III.H.3.a.2.(z).

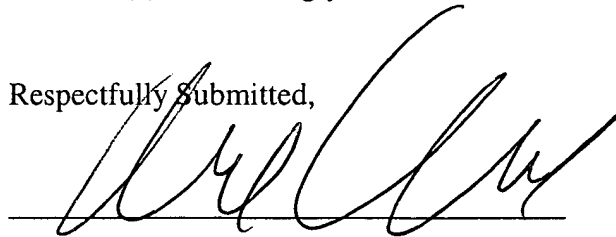
V. **37 CFR 1.192(d) - Non-compliant Brief**

This brief is in compliance with 37 CFR 1.192(c). Accordingly, this subsection is inapplicable.

8/4/04

Date

Respectfully Submitted,



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Registration No. 35,299

Attorney of Record

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VI. Appendix - Claims 32-91 Involved in the Appeal

32. A system for delivering incentives over the Internet comprising:
a Web site for providing purchasing incentives from multiple sources;
a consumer purchase history database based on consumer online shopping activity;
a consumer database which can identify consumers by their e-mail addresses, wherein said consumer database is connected to said Web site so as to receive consumer data from said Web site; and

means for delivering purchasing incentives to consumers by e-mail.

33. The system of claim 32 wherein said means for delivering purchase incentives delivers purchasing incentives based on consumer profile.

34. The system of claim 32 wherein the consumer purchase history database and said consumer database are integrated.

35. The system of claim 32 wherein said Web site is an independently administered Web site.

36. The system of claim 32 wherein said Web site is a cooperative site.

37. The system of claim 32 wherein said consumer purchase history database includes data based on past purchasing activity.

38. A system for delivering incentives over the Internet comprising:
a Web site for providing purchasing incentives from multiple sources;
a consumer purchase history database based on consumer online shopping activity;
a consumer database which can identify consumers by their e-mail addresses, wherein said consumer database is connected to said Web site so as to receive consumer data from said Web site; and

a means for delivering by e-mail notices which remind consumers to visit said Web site.

39. The system of claim 38 wherein said means for delivering e-mail notices delivers notices based on consumer profile.

40. The system of claim 38 wherein the consumer purchase history database and said consumer database are integrated.

41. The system of claim 38 wherein said Web site is an independently administered Web site.

42. The system of claim 38 wherein said Web site is a cooperative Web site.
43. The system of claim 38 wherein said consumer purchase history includes data based on past purchasing activity.
44. A system for delivering incentives over the Internet comprising:
a Web site for providing purchasing incentives from multiple sources;
a consumer purchase history database based on consumer online shopping activity;
a consumer database which can identify consumers by their e-mail addresses, wherein said consumer database is connected to said Web site so as to receive consumer data from said Web site; and
means for delivering by e-mail notices to purchase a specific manufacturer's product.
45. The system of claim 44 wherein said means for delivering e-mail notices delivers notices based on consumer profile.
46. The system of claim 44 wherein the consumer purchase history database and the consumer database are integrated.
47. The system of claim 44 wherein said Web site is and independently administered Web site.
48. The system of claim 44 wherein said Web site is a cooperative Web site.
49. The system of claim 44 wherein said consumer purchase history database includes data based on past purchasing activity.
50. A method for delivering purchasing incentives over the Internet comprising the steps of:
providing a Web site which offers shopping incentives from multiple sources;
maintaining a consumer purchase history database based on consumer online shopping activity;
receiving a consumer's e-mail address from a consumer's computer;
maintaining a consumer email database which can identify consumers by their e-mail address; and
transmitting purchase incentives via an e-mail post office.
51. The method of claim 50 wherein the step of transmitting purchase incentives to the consumer by electronic mail includes transmitting purchase incentives based on a consumer

profile.

52. The method of claim 50 wherein the step of providing a Web site is performed by an independent Web site administrator.

53. The method of claim 50 wherein the step of providing a Web site is achieved cooperatively.

54. A method for delivering incentives over the Internet comprising the steps of:
providing a Web site which offers purchasing incentives from multiple sources;
maintaining a consumer purchase history database based on consumer online shopping activity;
receiving a consumer's e-mail address from a consumer's computer;
maintaining a consumer database which can identify consumers by their e-mail address;
and
transmitting to consumers a notice to visit the Web site via the consumer's e-mail post office.

55. The method of claim 54 wherein the step of providing a Web site is performed by an independent Web site administrator.

56. The method of claim 54 wherein the step of providing a Web site is achieved cooperatively.

57. A Web site for providing information and shopping incentives from multiple sources such as retailers and manufacturers comprising:
a personal database;
a purchase history database wherein the data on the consumer purchases are based on online shopping activity;
means for generating a web page with a consumer-specific display;
means for updating said web page; and
means for informing the consumer by e-mail of new incentives.

58. A method for delivery of incentives by e-mail, comprising the steps of:
maintaining a consumer database which identifies consumers by their e-mail addresses;
generating targeted purchase incentives from a consumer purchase history database; and
formatting an e-mail message to a consumer by electronic mail for subsequent printing of

a coupon; and

delivering the email message to an email address stored in said consumer database for said consumer.

59. The system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises shopping list selections data.

60. The system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises rebate offers data.

61. The system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises notices detailing specific offers data.

62. The system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises focused incentives based on a consumer's prior shopping activity data.

63. The system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises purchasing incentives for data defining coupons for subsequent printing by a consumer.

64. The system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises links to at least one of manufacturer and retailer web sites.

65. The system of claim 32 wherein said online shopping activity stored in said consumer purchase history database comprises data enabling a consumer to request at least one of information regarding a product and a sample of said product.

66. The system of claim 32 wherein said consumer purchase history database stores data from any online shopping activity.

67. The system of claim 32 wherein said consumer purchase history database stores an administrator of said system's web site data.

68. The system of claim 32 wherein said consumer purchase history database stores retail store purchase data, including a consumer's favorite brands data.

69. The system of claim 32 wherein said consumer purchase history database stores data including at least three of said customer identification number, name, residential address, zip code, and email address.

70. The system of claim 32 wherein said consumer purchase history database stores selected consumer demographic information data, including at least two of number of persons in a household, age categories of persons in said household, and number of pets in said household.

71. The system of claim 32 further comprising code for generating targeted, time phased incentives based on a consumer's actual buying patterns and preferences.

72. The system of claim 32 further comprising code for generating untargeted incentives offered by manufacturers or retailers.

73. The system of claim 32 wherein said purchase incentives contain data enabling coupons to be printed by said consumer.

74. The system of claim 32 wherein said purchase incentives contain data enabling purchase incentives to be printed at point of sale.

75. The system of claim 32 further comprising means to encode in a consumer's identification card, tokens representing said purchase incentives.

76. The method of claim 50 wherein said online shopping activity data stored in said consumer purchase history database comprises shopping list selections associated with a particular consumer.

77. The method of claim 50 wherein said online shopping activity data stored in said consumer purchase history database comprises rebate offers data associated with a particular consumer.

78. The method of claim 50 wherein said online shopping activity stored in said consumer purchase history database in association with an identification for a particular consumer comprises data detailing notice of specific offers provided to said particular consumer.

79. The method of claim 50 further comprising generating focused incentives for a consumer based on said consumer's prior shopping activity.

80. The method of claim 50 further comprising generating purchasing incentives data in a form suitable for printing of a coupon by a consumer.

81. The method of claim 50 further comprising generating links to at least one of manufacturer and retailer web sites and associating said links with a particular consumer.

82. The method of claim 50 further comprising enabling a consumer to request at least one of information regarding a product and a sample of a product.

83. The method of claim 50 wherein said consumer purchase history database stores data from an administrator of said system's web site.

84. The method of claim 50 wherein said consumer purchase history database stores retail store purchase data, including a consumer's favorite brands.

85. The method of claim 50 wherein said consumer purchase history database stores at least three of said customer identification number, name, residential address, zip code, and email address.

86. The method of claim 50 wherein said consumer purchase history database stores selected consumer demographic information, including at least two of number of persons in a household, age categories of persons in said household, and number of pets in said household.

87. The method of claim 50 wherein said purchase incentives include targeted, time phased incentives based on a consumer's actual buying patterns and preferences.

88. The method of claim 50 wherein said purchase incentives include untargeted incentives from at least one of manufacturers and retailers.

89. The method of claim 50 further comprising printing said purchase incentives on a printer connected to and controlled by a consumer's computer.

90. The method of claim 50 further comprising printing purchase incentives at point of sale.

91. The method of claim 50 further comprising encoding in a consumer's identification card tokens representing said purchase incentives.

Printed: August 4, 2004 (6:31pm)

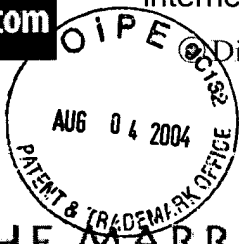
Y:\Clients\Catalina\CAT29US-SCRO\CAT29US-SCRCO3\Drafts\SupplementalAppealBrief_040802.wpd

Attachment 1




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internet address

<networking> (IP address, TCP/IP address) The 32-bit host address defined by the Internet Protocol in STD 5, RFC 791. It is usually represented in dotted decimal notation.

A host's Internet address is sometimes related to its Ethernet address. The Internet address is usually expressed in dot notation, e.g. 128.121.4.5. The address can be split into a network number (or network address) and a host number unique to each host on the network and sometimes also a subnet address. The way the address is split depends on its "class", A, B or C as determined by the high address bits:

Class A - high bit 0, 7-bit network number, 24-bit host number. n1.a.a.a 0 <= n1 <= 127

Class B - high 2 bits 10, 14-bit network number, 16-bit host number. n1.n2.a.a 128 <= n1 <= 191

Class C - high 3 bits 110, 21-bit network number, 8-bit host number. n1.n2.n3.a 192 <= n1 <= 223

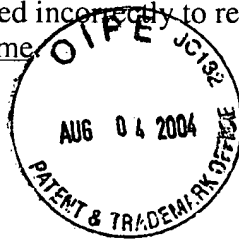
The Internet address must be translated into an Ethernet

address by either ARP or constant mapping.

The term is sometimes used incorrectly to refer to a host's fully qualified domain name.

[Jargon File]

(1994-12-06)



Source: The Free On-line Dictionary of Computing, © 1993-2004 Denis Howe

internet address

<networking> (Note lower case "i"). An IP address that uniquely identifies a node on an internet.

[Jargon File]

(1995-04-12)

Source: The Free On-line Dictionary of Computing, © 1993-2004 Denis Howe

internet address

n. 1. [techspeak] An absolute network address of the form foo@bar.baz, where foo is a user name, bar is a sitename, and baz is a 'domain' name, possibly including periods itself. Contrast with bang path; see also the network and network address. All Internet machines and most UUCP sites can now resolve these addresses, thanks to a large amount of behind-the-scenes magic and PD software written since 1980 or so. See also bang path, domainist. 2. More loosely, any network address reachable through Internet; this includes bang path addresses and some internal corporate and government networks.

Reading Internet addresses is something of an art. Here are the four most important top-level functional Internet domains followed

Ads by Google

buy web address

Yahoo Domain Registration. Web page domain email, forwarding, \$14.70/yr domains.yahoo.com

DNS One

Server Appliances for Deploying DNS/DHCP. View Specs Online! www.infoblox.com

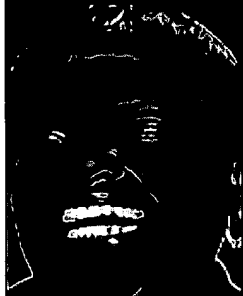
\$4.95 Domain Names

Lower Pricing & More Free Services Than Any Registrar. Phone Support. HostingDude.com

IP Address

Mgmt Info Free IP Address Mgmt product info to help your enterprise buying www.itproductalert.com

tamra jackson
educator



"I have a Masters degree in Philosophy and I'm working on my Ph.D."

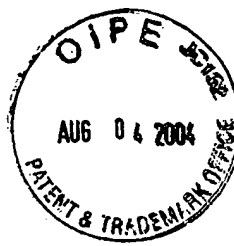
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monster
today's the day





by a selection of geographical domains:

com
commercial organizations

edu
educational institutions

gov
U.S. government civilian sites

mil
U.S. military sites

Note that most of the sites in the com and edu domains are in
the
U.S. or Canada.

us
sites in the U.S. outside the functional domains

su
sites in the ex-Soviet Union (see [kremvax](#)).

uk
sites in the United Kingdom

Within the us domain, there are subdomains for the fifty
states,
each generally with a name identical to the state's postal
abbreviation. Within the uk domain, there is an ac subdomain
for
academic sites and a co domain for commercial ones. Other
top-level
domains may be divided up in similar ways.

Source: Jargon File 4.2.0

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magazines
- [Google](#) - Search the Web for relevant results

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